

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4980 OF 2001

The Sangli Bank Ltd...Petitioners

Versus

City and Industrial Development
Corporation of Maharashtra & Anr...Respondents

Mr. S.S.Patwardhan, for the Petitioners.
Mr. R.M.Sawant, for respondent No.1.

**CORAM: F.I. REBELLO &
DR. D.Y.CHANDRACHUD, JJ.**
DATE : 19th January,2006

P.C.:

. The petitioner is not a lessee of Respondent No.1. It appears that one M/s.City Associates had taken loan from the petitioner and in terms of the agreement between the petitioner and City Associates, in the event the City Associates surrender the lease the refund had to be paid by CIDCO to the petitioner bank. It is contended on behalf of the petitioners that the Agreement was a tripartite agreement whereby CIDCO had agreed to refund the money to the petitioner in the event of surrender. Even if that be the case that would not give right to the petitioner to maintain a petition. At the highest it will be open to City Associates either to file a suit and in so far as the petitioners are concerned the right against CIDCO would be for the enforcement of the term of the agreement for payment of the loan on surrender by them.

2. All the issues can be appropriately ventilated in

appropriate civil proceedings. Considering the above this would not be a fit case for this Court to exercise extra ordinary jurisdiction. It will be open to the parties to pursue the remedy before the Civil Court.

3. With the above observations petition stands disposed of.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)